IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Abdul Rehman Vs. State of Rajasthan & Ors.

S.B.CR.MISC. PETITION NO.396/1998
Against the order dt. 14.5.1998 passed by Judicial Magistrate, Ist Class, Makrana in Cr.Case No.48/95.

Date of Order : July 04, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. Ranjeet Joshi, for petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. Suresh Kumbhat, for non-petitioners.

BY THE COURT:

By the instant criminal misc. petition under section 482 of the Code of Criminal Procedure, 1973 (for short `the Code' hereinafter), the petitioner has challenged the order dt. 14.5.1998 passed by Judicial Magistrate, Makrana (for short `the trial court' hereinafter), whereby the trial court declined to summon the papers filed by the police along with negative final report.

I have heard learned counsel for the parties. Perused the order impugned. I have also gone through the application made by the petitioner before the trial court.

From perusal of the application, it nowhere appears that any injury report is on the FR papers, it is only the saying of the petitioner. The petitioner has not filed the certified copy or true copy of the alleged injury report and only having an impression that injury report might be with the FR papers. The matter is of 1997. Even if there had been some injury report, it is not clear that it was with the negative final report filed by the police. It is always open for the petitioner to obtain the true copy of the injury report from the hospital, where he alleged to have been examined. In this view of matter, I do not find any ground to interfere in the jurisdiction under section 482 of the Code. It cannot be said that the order impugned has resulted in manifest injustice or abuse of process of the Court.

In the result, the criminal misc. petition is dismissed. However, it is open for the petitioner to obtain the true copy of the injury report from the hospital, where he has medically been examined and file the same before the trial court, which can be proved by the doctor, who prepared the injury report.

[H.R.PANWAR],J.

m.asif/-